



Battle Creek Historic District Commission

Staff Report

Meeting: October 14, 2013

To: Historic District Commission

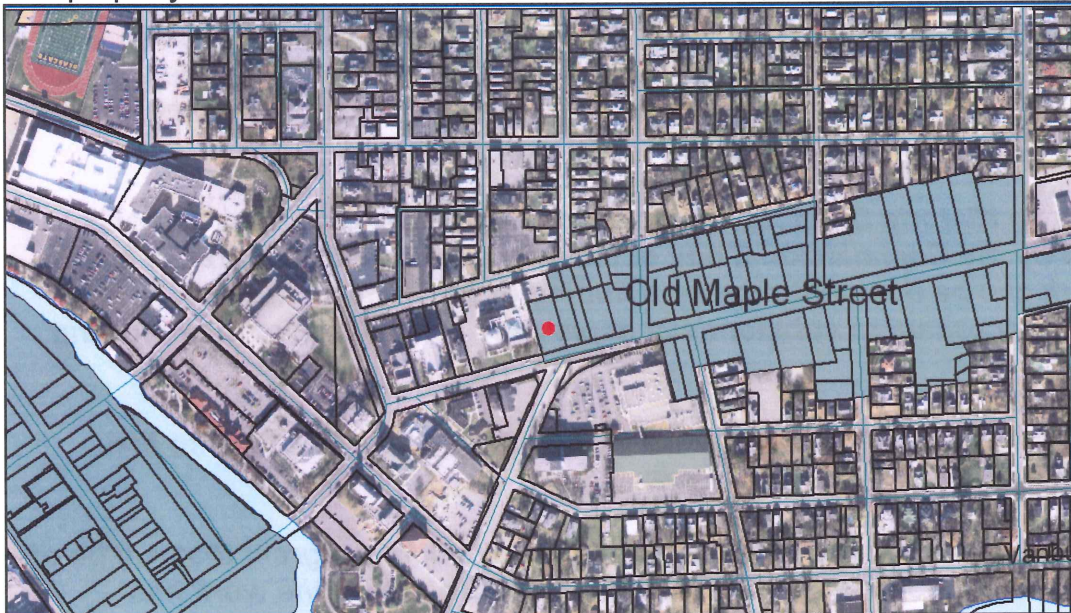
From: Glenn Perian, Senior Planner

Date: September 25, 2013

Subject: The petition filed by Reverend Emily Joye McGaulitt-Reynolds, on behalf of First Congregational Church of Battle Creek, is for the issuance of a Notice to Proceed from the Historic District Commission to demolish the structure at 157 Capital Avenue NE and for a Certificate of Appropriateness for a play lot and parking area per the plans submitted.

Site:

The property is located in the Local Old Advent Town Historic District.



Summary of Request

The proposed demolition project is part of the Church's effort to create a play lot for the expansion of their child care services for local families in the church and neighborhood. In addition to the demolition the church is looking for approval from the HDC for the proposed play lot and additional parking to the north of the proposed play area as outlined in the plan submitted. Furthermore, the church has made application to the Planning Commission to amend their special use permit to expand their current child care facility/services. The project will ultimately require City Commission approval for the special use permit. The request is for

a Notice to Proceed to demolish the structure at 157 Capital Avenue NE and a Certificate of Appropriateness for the proposed improvements of the play lot, parking, and fencing according to the plan submitted and part of your packet. Someone from the church is expected to be at the meeting to discuss the request.

Public Notice Requirements:

Public notice has occurred as outlined under MCL Section 399.205 Section 5 (6)...*"the business that the commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 of 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended."*

Applicable HDC Guidelines for a Notice to Proceed to Demolish the property at 78 Ann Avenue:

The property is to be reviewed in accordance with the City of Battle Creek Building and Housing Code Chapter 1470 "Historic Preservation", as amended, the Michigan's Local Historic Districts Act, as amended, and the criteria for the National Register of Historic Places as outlined in the Secretary of the Interior's Standards and Guidelines.

Generally, demolition of a structure will not comply with the standards outlined in the Secretary of Interior's Standards and Guidelines. However, in the event that these standards cannot be met, the State Act and local ordinance states that a notice to proceed **shall** be issued if any **one** of the following criteria, per Ch 1470.09(e) as follows, is met:

(e) Work within an Historic District shall be permitted through the issuance of a notice to proceed by the Commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the Historic District Commission to be necessary to substantially improve or correct any of the following conditions:

(1) The resource constitutes a hazard to the safety of the public or to the structures and occupants.

(2) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community, and the applicant proposing the work has obtained all necessary planning and zoning approvals and financing and environmental clearances.

(3) Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God or other event beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the Historic District, have been attempted and exhausted by the owner.

(4) *Retaining the resource is not in the interests of the majority of the community.*

Analysis and Recommendation for Notice to Proceed:

Reverend Emily Joye McGaulitt-Reynolds has provided an Application for a Notice to proceed to demolish the structure at 157 Capital Avenue NE to make way for a play lot and additional parking. As noted in the application, the building was constructed in 1961 is a non-contributing structure to the District. The applicant is expected to be in attendance at the meeting to discuss the demolition and construction plans and answer any questions you may have.

While planning staff would prefer to see buildings rehabilitated, as outlined in the ordinance, the HDC **shall** approve a Notice to Proceed if at least **one** of the criteria has been met. It is your job to determine if the application has met the test outlined in the ordinance for the HDC to grant a Notice to Proceed for the demolition of 157 Capital Avenue NE as outlined in Chapter 1470 "Historic Preservation" and the Michigan Local Historic Districts.

Planning staff is recommending that a Notice to Proceed be issued to the City of Battle Creek for the demolition of the structure at 157 Capital Avenue NE, in that the request meets standard #2 and #4 outlined in Chapter 1470.09(e) "Review of Applications" because as documented in the application, the property will allow for a required play lot for the expanded child care services for local church and neighborhood families. Furthermore, staff is recommending that the Commission issue a Certificate of Appropriateness for the construction of the play lot and parking area as outlined in the submitted plan.



City of Battle Creek

Department of Planning and Community Development

77 E. Michigan Avenue, Ste. 204 • Battle Creek, Michigan 49017 • (269) 966-3320

www.battlecreekmi.gov

HISTORIC DISTRICT COMMISSION

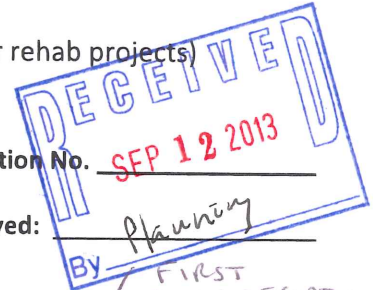
Application for (check all that applies)

☐ Certificate of Appropriateness (for repairs or rehab projects)

☒ Notice to Proceed (for demolition requests)

Petition No. SEP 12 2013

Date Received: Planning



APPLICANT**

NAME: REV Emily Joye McGaughy-Reynolds

ADDRESS: 145 CAPITAL AVE N.E.

PHONE: 269 965 1225

FAX: 965-1228

EMAIL: emilyjoye@gmail.com

OWNER (if different from applicant)

NAME: _____

ADDRESS: _____

PHONE: _____

FAX: _____

EMAIL: _____

**If the applicant is not the property owner, a letter signed by the owner agreeing to the application to the Historic District Commission must be included with the application.

SUBMITTAL REQUIREMENTS/EXISTING CONDITIONS

Address(es) of property for which the request is being sought: 157 NE CAPITAL AVE

Current use of the property: BLDG. IN VACANT

List existing structures on the property and the approximate age of each. _____

OFFICE BLDG. 1961

Please list all activities/proposed work for the property area and how the proposed work relates to the building as a whole.

THE BLDG. IS TO BE TORN DOWN TO ALLOW

CREATION OF A REQUIRED PLAY LOT FOR A

NEW CHILD CARE SERVICE FOR LOCAL RESIDENTS

IN THE CHURCH & NEIGHBORHOOD

Indicate in which manner the proposed work will result in changes to the size and/or appearance of the features outlined in this application.

THIS WILL REMOVE THIS NON CONTRIBUTING
BUILDING FROM THE HISTORIC SETTING

Does the work proposed include maintenance/repair of existing features of the structure, or will it create new features that do not currently exist?

CREATION OF PLAY LOT

Please indicate the existing building materials of the following structural features and the proposed materials if that feature is included as part of the application.

	Existing Materials	Proposed Materials (if applicable)
Roof	<u>NA</u>	<u>NA</u>
Windows	<u></u>	<u>NA</u>
Siding	<u></u>	<u>NA</u>
Foundation	<u></u>	<u>NA</u>
Other <u></u>	<u></u>	<u>NA</u>

For Notice To Proceed requests only:

What options have you explored for the repair or relocation of the structure proposed for demolition?

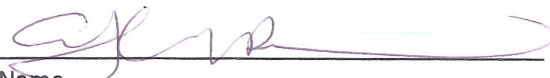
THE BUILDING IS NOT HISTORIC, IF LEFT VACANT
IT WILL CONTINUE TO DETERIORATE AND BECOME A HAZARD TO
THE COMMUNITY,

SUBMITTAL REQUIREMENTS

As outlined in "HDC, Information and Procedure", each request requires supplementary items that thoroughly describe the existing structure and proposed project. These items are to be submitted with the completed application; incomplete applications will not be forwarded to the Historic District Commission.

APPLICANT SIGNATURE

By signing this application, the applicant hereby declares that all answers given herein are true to the best of their knowledge, and confirms that all information required for Historic District Commission review has been submitted. Furthermore, the applicant confirms that they have thoroughly read the "Historic District Commission, Information and Procedures" and agrees to comply with all requirements and procedures outlined therein.


Name

9.12.13
Date

